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Princely Svanetia, where the rulers of the country required that an indemnity be paid in addition, for the benefit of the ruling house. Theft connected with breaking into a house was regarded as a very serious offense, and a payment consisting of twelve *arish* was requested. The theft of the iron chain of the hearth (called *sakadeli* in the Georgian) or the small iron three-legged table on which bread was baked was regarded as an especially severe crime.

A discrimination in the importance of the crime was made according to the time and place where it was committed. A crime committed at night was worse than one committed during the day, and a crime perpetrated out of doors was of much less importance than one in a home.

Theft committed outside the group was regarded as neither a crime nor a delict, but on the contrary was viewed as an accomplishment of courage and bravery, elevating the culprit in social prestige and creating even gradations in distinction, according to the danger involved and the success of the accomplishment, the procedure resembling in some ways the *coups* of the American Indians.

Among the Georgians of Megrelia, in time past, a young man had difficulty in getting a wife if he had not stolen at least one horse.[36] There were various and numerous tales of gallant and cunning thieves who outwitted their pursuers and escaped safely with their spoil, and who had the admiration of the people.

The same attitude prevailed also among the other peoples of the Caucasus. Among the Circassians, for example, a young man could not be successful with the fair sex if he had not committed a theft. Taitbout de Marigny[37] gives the following information concerning this matter: "Le plus grand reproche qu'une jeune fille puisse faire a un graçon, c'est de l'ai dire qu'il n'a pas encore pu derober une vache. Mais les proprietés sont respectées parmi les personnes que la paranté, l'amitié, l'hospitalité, ou d'autres liens unissent ensemble."

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[36] Lamberti: 76-8.
[37] Taitbout de Marigny: 291.

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tude if he will not say the truth." After this the accused took the oath.

Among the Khevsurs and Pshavs, when the judges have difficulty in their decision, they allow the accused to take the oath, which consists of the suspect giving vow to the truthfulness of his words.[50] In important cases another kind of oath is used, which is taken in the presence of witnesses, one from each community. As the person taking the oath and the witnesses are obliged before the ceremony to keep themselves in purity, they have no right to cohabit with their wives, and on the day appointed for the ceremony must neither eat nor drink. When the judges, the attendants of the sanctuary, and the people of the community are assembled, the man taking the oath approaches the sanctuary with his witnesses. He takes the sacred standard and the silver cup, and recites the oath as proof of the truthfulness of his testimony. At this time the witnesses put their hands on his shoulders and after every sentence uttered by the man taking the oath they all say amen. If the witnesses do not appear in the sanctuary for the ceremony, the oath is not regarded as effective.

Taking the oath also plays a very important role with other groups of the Georgian nation. For example, the Megrelians use it in solving doubtful cases.

A Megrelian has not only deep reverence for the *khati*,[1] but also a great fear, which compels him to confess his delinquency, if not at the moment of taking the oath, at least later, sometimes after a long interval. The number of witnesses depend upon the importance of the case. Witnesses do not willingly accept this office, and their hesitation in taking part in the ceremony is based on the current belief of the people that a falsely taken oath will punish every participant in the proceedings during all his life. Consequently, the possible lack of success in enterprises or different troubles following one after the other, such as the death of relatives, bad harvest, epizooty and other evils, convince the Megrelian that the cause of all these calamities is the falsely taken oath. In such a case he goes to the party who has lost the case

[50] Eristov: 132.

[1] [i.e., sanctuary; see cat. 116, p. 25 ff. — Analyst]

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and pays him dearly in order that he may free him from the oath. Sometimes not only the witness but even the person who took the oath and won the case is brought to the conviction, in the same way as already stated dealing with witnesses, in the falsity of testimony given by him, and consequently he returns not only everything received by him through the judges, but also pays voluntarily a high fine in order to be freed from the oath.

As an illustration of this superstitious belief connected with the process of taking an oath, we may mention a certain appeal of a Megrelian made in court.[51] The petitioner had asked the court to take measures in endorsing his request, which was based on sheer superstition and was deeply engraved on the mind and conscience of the people as a custom inherited from their ancestors. "Fifteen years ago," said the Megrelian, "I had a dispute with my neighbor about land. We had a hearing, and when I took the oath, with ten witnesses admitted by the plaintiff, the land was given to me. From that time on I owned the property, and two years later sold half of it to the priest. Soon afterward, one misfortune after another began in my home, and I was convinced that the cause of all this was the falsely taken oath. In order to free myself from the calamity, I returned the land to the neighbor, but the priest will not return his portion for any price, and now I have come to ask the court to order the priest to sell back to me his portion of the land, and I will give a higher price than that fixed by our honest neighbors. If I am not freed from this oath I will be a most unhappy man." The authorities ignored this petition, but the priest was obliged to yield to the persistent demands of the man and his relatives and finally returned the land with great profits. In getting back the land, the Megrelian was satisfied, and his provoked conscience was calmed.

This fear of the people before the holy image (*khati*) and the endeavor to appease its anger are based on the belief that everyone is able to put a curse on his enemy before a *khati*, for which he has to pray and ask the deity to punish his antagonist. Consequently, according to the people's opinion, the offender will be

[51] Borozdin: 36.

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severely punished by the *khati* not only during his earthly life but also after his death in eternity. This procedure, so dreaded by the Megrelians, is known by them under the name of *khatis genochama*, meaning in English, "transmission to the *khati*." When someone among them finds that he is cursed, or, to use the Megrelian expression, *genochamilie* (meaning "is given over") by his enemy he hastens to make peace with him and satisfies all his claims in order, as they say, "to be freed from the wrath of *khati*."

But there is a way to avoid the anger of *khati* in giving false testimony. The man by taking an oath is not always obliged to tell "the truth and only the truth," but he may also lie and escape unpunished, with a clear conscience and peace in his criminal heart. To do this, he concludes some sort of contract or rather promises a bribe to the *khati* consisting of some sort of offering, such as a cow or sheep. This fact is described by the Italian A. Lamberti, as observed by him among the Georgians of Megrelia. "By small evidences the Megrelians have the custom," writes A. Lamberti,[52] "of permitting the accused to exculpate himself by taking an oath. The oath must be taken before any one of the holy images. The plaintiff chooses the holy image, and also the sanctuary where the accused (defender) must take the oath. This place is kept in secrecy by him, because if the accused finds out the place appointed for the ceremony he will present himself before the holy image the day before the appointed time, kneel before it and say: 'Thou knowest well that I have committed the crime and that I am confessing now on my knees to you and declaring my guilt; may this confession remain between us both, and as I have fulfilled my duty toward you with this confession, (please) forgive me if in the presence of the others I shall deny my guilt. In order that thou wilt not be angry with me I pledge thee a cow (or sheep).' After this secret confession he counts his conscience clean, and in taking the oath officially before this image he is convinced that he has full right to lie and still be unharmed."

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[52] Lamberti: 86.